

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,))
Plaintiff,))
vs.)) CRIMINAL CASE NO. Glr-20-0210
JACK ANDERSON, IV,)) (ARRAIGNMENT)
Defendant.)) (SENTENCING)
_____)

Transcript of Proceedings
Friday, December 17, 2021
Courtroom 7A
Baltimore, Maryland

BEFORE: THE HONORABLE GEORGE LEVI RUSSELL, III, Judge

For the Plaintiff:

Christopher Romano, Esq.

Assistant United States Attorney

For the Defendant:

William Purpura, Esq.

Reported by:

Melissa L. Clark, RPR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G

(10:07 a.m.)

THE COURT: Good to see everyone. Hey, good morning. Mr. Romano, why don't you call the case for me, please.

MR. ROMANO: Certainly. Good morning, Your Honor. Your Honor, this is the matter of the United States versus Jack Anderson, IV. Criminal Case GLR-20-0210. Representing the United States, Christopher Romano, and we're here for Mr. Anderson's arraignment and presumably also sentencing at the conclusion of the arraignment.

THE COURT: Yes, Mr. Purpura. Always a pleasure, sir.

MR. PURPURA: Judge Russell, equally a pleasure here. William Purpura on behalf of Jack Anderson who is present with counsel.

THE COURT: All right. Mr. Anderson, good morning to you, sir.

THE DEFENDANT: Good morning.

THE COURT: All right. You can go ahead and have a seat. Consistent with the Court's mask mandating policies, everyone within the confines of the courtroom shall remain masked at all times.

The only exception would be if you were engaged in a speaking role and have been fully vaccinated for a two-week

1 period of time. I have been fully vaccinated for a two-week
2 period of time. So I'm going to go ahead and remove my mask,
3 at this time to allow the court reporter to hear me a little
4 bit more clearly.

5 We are here for the purposes of an arraignment and guilty
6 plea on a superseding indictment. The Defendant is going to
7 be pleading guilty to Count 1 of the superseding indictment
8 charging him with conspiracy to distribute and possession with
9 intent to distribute five kilograms or more of cocaine in
10 violation of Title 21 United States Code Section 846.

11 The parties are seeking to have me bind myself to a term
12 of imprisonment pursuant be to Rule 11(c)(1)(C) of 126 months.
13 I'm not agreeing to bind myself to any term or condition of
14 supervised release, fine, et cetera. There is a minimum
15 mandatory sentence that comes along with conviction here of
16 ten years or 120 months.

17 Mr. Purpura, is that an accurate characterization on why
18 we're here?

19 **MR. PURPURA:** It is, Your Honor. Thank you.

20 **THE COURT:** Thank you. I will note, and I believe
21 it may have been done in Arizona, but just to make sure that
22 our records are clear here in Maryland, that an acknowledgment
23 and order pursuant to Federal Rule of Criminal Procedure 5F,
24 as all counsel are well aware, this rule which was enacted on
25 October 21 of 2020, requires the government provide and adhere

1 to certain disclosure obligations and discovery obligations.
2 It also outlines very significant consequences for failure to
3 adhere to those violations.

4 Mr. Romano, I know that the government is well aware of
5 these violations -- I mean, the rule, and the government has
6 complied with the rules; is that correct, sir?

7 **MR. ROMANO:** We have, Your Honor. We've provided
8 all of the discovery that's required under the law, and also
9 well aware of our Brady and Giglio obligations.

10 **THE COURT:** And Mr. Purpura, is there any reason to
11 believe the government has not complied?

12 **MR. PURPURA:** There is not. Thank you, Your Honor.

13 **THE COURT:** Thank you very much. I'll go ahead and
14 sign off on this order.

15 All right. Now, Mr. Anderson, I'm going to have you
16 stand up, raise your right hand and direct your attention to
17 the courtroom deputy to be sworn in.

18 JACK ANDERSON, IV, having been duly sworn, was examined
19 and testified as follows:

20 **THE CLERK:** You may lower your hand. Could you
21 please state your name for the record?

22 **THE DEFENDANT:** Jack Anderson, IV.

23 **THE CLERK:** What is your age today?

24 **THE DEFENDANT:** Forty-five years old.

25 **THE CLERK:** What is the year of your birth?

1 **THE DEFENDANT:** '76.

2 **THE CLERK:** Have you read the superseding indictment
3 or has the substance of the charges been explained to you?

4 **THE DEFENDANT:** Yes.

5 **THE CLERK:** Do you understand the charges placed
6 against you?

7 **THE DEFENDANT:** Yes.

8 **THE CLERK:** Mr. Purpura, as counsel for the
9 Defendant, are you satisfied that your client understands
10 those charges?

11 **MR. PURPURA:** I am. Thank you.

12 **THE CLERK:** Mr. Anderson, how do you wish to plead
13 to Count 1 of the superseding indictment?

14 **THE DEFENDANT:** Guilty.

15 **THE CLERK:** Your plea is guilty as to Count 1 and
16 not guilty as to Count 2 and 3; is that correct?

17 **THE DEFENDANT:** Yes.

18 **THE CLERK:** Thank you.

19 **THE COURT:** All right. You can have a seat,
20 Mr. Anderson, and pull up the chair and speak clearly into the
21 microphone.

22 Now, Mr. Anderson, before I can accept your guilty plea,
23 I've got to ask you a number of questions. I've got to
24 consider the answers to those questions, because I need to
25 make a determination that you're entering into this guilty

1 plea in a knowing and voluntary manner, do you understand,
2 sir?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** If at any point in time you don't
5 understand a question that I ask you, please don't hesitate to
6 let me know and I will do everything I can to try to clarify
7 my question.

8 Also, in the event that you need to speak with your
9 attorney, Mr. Purpura, let me know that as well and I'll be
10 more than happy to allow you to speak with your attorney.

11 Do you understand, sir?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** In fact, I'm going to go put this noise
14 button on for you and your attorney to have some additional
15 privacy regarding any conversation you want to have, okay?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Now, you understand that you're now
18 under oath and if you answer any of my questions falsely, your
19 questions may be later used against you in another prosecution
20 for perjury or for making a false statement.

21 Do you understand, sir?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** How far did you go in school?

24 **THE DEFENDANT:** Eleventh grade.

25 **THE COURT:** You can read, write and understand the

1 English language; correct?

2 **THE DEFENDANT:** Yes, sir.

3 **THE COURT:** Are you having any difficulty
4 understanding me now?

5 **THE DEFENDANT:** No.

6 **THE COURT:** Have you been treated recently for any
7 mental illness, drug addiction, or alcohol addiction?

8 **THE DEFENDANT:** No.

9 **THE COURT:** Are you currently under the influence of
10 any drug, medication, or alcoholic beverage of any kind?

11 **THE DEFENDANT:** No.

12 **THE COURT:** Counsel, is there any question in your
13 mind as to whether or not your client is competent to proceed
14 here today?

15 **MR. PURPURA:** There is not. Thank you, Your Honor.

16 **THE COURT:** Mr. Anderson, have you fully discussed
17 the charges in the superseding indictment and the case in
18 general with your attorney?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Are you fully satisfied with the legal
21 representation that you received from Mr. Purpura? In other
22 words, do you believe that he has been a zealous and effective
23 legal advocate on your behalf?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** It's my understanding there is a plea

1 agreement in this case, it will be marked and received by this
2 court as Government's Exhibit No. 1.

3 As there is in every case there is a sealed supplement to
4 the plea agreement, which will be marked and received by this
5 court as Government's Exhibit No. 2. I'd like to turn your
6 attention, if I could of page 8 of Government's Exhibit No. 1,
7 which is the signature page of the plea agreement.

8 Let me know when you are.

9 **MR. PURPURA:** He's there, Your Honor.

10 **THE COURT:** Near the middle of the page is a typed
11 name, Jack Anderson, IV. And above that name is a signature,
12 is that your signature, sir?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And above your signature is a paragraph
15 that reads, "I have read this agreement, including the sealed
16 supplement and carefully reviewed every part of it with my
17 attorney. I understand it and I voluntary agree to it.
18 Specifically, I've reviewed the factual and advisory guideline
19 stipulations with my attorney, and I do not wish to change any
20 part of it. I'm completely satisfied with the representation
21 of my attorney."

22 Is that a true and accurate statement, sir?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** So you had the opportunity to read each
25 and every word of Government's Exhibit No. 1, as well as

1 Government's Exhibit No. 2, which is the sealed supplement and
2 discuss it with your attorney before you signed; is that
3 correct, sir?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Now, under the terms of the plea
6 agreement, it's my understanding you've agreed to plead guilty
7 to Count 1 of the superseding indictment pending against you.
8 It's my understanding that you, as well as the government seek
9 to have me impose a sentence of 126 months. There is no
10 agreement as to any term and condition of supervised release,
11 fine, et cetera.

12 Do you agree that Government's Exhibit No. 1, as well as
13 Government's Exhibit No. 2, which is the sealed supplement,
14 sets out the entire agreement that you've made with the
15 government, and that there are no other agreements or promises
16 that have been made to you?

17 A. Yes, Your Honor.

18 Q. Has anyone made any threats, or used force or violence
19 against you, or someone close to you in order to persuade you
20 to accept the agreement?

21 A. No.

22 Q. You understand the Court is not a party to the agreement.
23 You understand if I choose not to follow the terms of the plea
24 agreement -- in other words, if I decided for some reason that
25 I wasn't going to accept the 126-month sentence and impose

1 that on you, you would be giving the opportunity to withdraw
2 your plea of guilty, and the government would be given the
3 opportunity to withdraw from the agreement. And only if you,
4 as well as the government wish to move forward knowing that
5 I'm not going to bind myself to 126 months, and I would then
6 impose a sentence.

7 Do you understand, sir?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** You also understand that if you agree to
10 move forward, knowing that I'm not going to bind myself, that
11 you could receive a sentence that is greater than 126 months,
12 or conceivably less than 126 months.

13 Do you understand, sir?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Are you pleading guilty of your own free
16 will because you are, in fact, guilty?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** The offense to which you're pleading
19 guilty is a felony offense. If I accept your guilty plea,
20 you're going to be adjudged guilty of that offense, and that
21 adjudication may deprive you of valuable civil rights, such as
22 the right to vote, the right to hold public office, the right
23 to serve on a jury. The right to obtain or keep certain
24 benefits like student loans, and/or public houses.

25 The right to obtain certain permits and licenses, and the

1 right to possess any kind of firearm. You understand you may
2 lose all of those rights by pleading guilty?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Mr. Purpura, is there any question as to
5 the Defendant's United States citizenship status?

6 **MR. PURPURA:** There is none, Your Honor. Thank you.

7 **THE COURT:** You're born here in this country, Mr.
8 Anderson; is that correct?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** You understand that the maximum possible
11 penalty for this offense is life imprisonment. You understand
12 that there is a minimum mandatory sentence that comes along
13 with a conviction in this case.

14 Do you understand, sir?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** You also understand that if you're
17 ordered incarcerated, then as part of your sentence you're
18 going to be ordered to serve a term of supervised release with
19 a maximum term of life, and a minimum mandatory term of five
20 years after your release from incarceration.

21 Do you understand, sir?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Do you understand that while you're on
24 supervised release, you're going to be subject to supervision,
25 and that you're going to be required to comply with certain

1 conditions. And you also understand that if you violate the
2 terms and conditions of supervised release, that you could be
3 returned to prison for a term that may be as great as the term
4 of supervised release, and upon return to prison, you may not
5 be given credit for your street time.

6 Do you understand, sir?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** You also understand that you may be
9 required to pay a fine with the maximum amount being
10 \$10 million as an additional consequence if you're guilty plea
11 is accepted.

12 Do you understand, sir?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** You also understand that the Court may
15 order that you pay restitution to any victim of your offense.

16 Do you understand, sir?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** You also understand that you may be
19 required to forfeit certain property to the government if your
20 guilty plea is accepted.

21 Do you understand, sir?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** In fact, the forfeiture provision is
24 outlined in paragraph 10, on pages 6 and 7 and your forfeiting
25 of, among other things, \$82,300; is that correct, sir?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** You also understand that you must pay a
3 special assessment in the amount of \$100 if your guilty plea
4 is accepted.

5 Do you understand, sir?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** You also understand that the Court may
8 order that you provide notice of your conviction to certain
9 third parties, including victims if your guilty plea is
10 accepted.

11 Do you understand, sir?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Now, do you understand all of the
14 possible consequences of a guilty plea?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Now, your sentence is going to be
17 determined by the Court after consulting with United States
18 Sentencing Guidelines, which are advisory. And after
19 considering possible departures from those guidelines as
20 permitted in the Federal sentencing laws. And after
21 considering other sentencing factors that are set out in
22 Title 18, United States Code Section 3553(a).

23 Have you and your attorney talked about the sentencing
24 guidelines that apply in your case?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** I now call upon Mr. Romano to outline
2 for me the guideline stipulations in this matter.

3 **MR. ROMANO:** Your Honor, the parties have agreed
4 that the guidelines are as follows: Based on the quantity of
5 cocaine involved in this case, the Defendant's initial base
6 offense level would be a Level 30, because the Defendant has
7 accepted responsibility and indeed done it in a timely
8 fashion, the government would be moving for the third level
9 under the acceptance of responsibility provisions of the
10 guidelines.

11 So his adjusted base offense level would now be a
12 Level 27. The parties have also stipulated that based on a
13 pretrial report of his criminal history, that he's at a
14 criminal history category of 5, and that the resulting
15 advisory guideline range would be between 120 and 150 months.

16 **THE COURT:** Okay. And I did notice this, though. I
17 thought that I had some document maybe from Ms. Vallandingham
18 that he was a 6.

19 **MR. PURPURA:** You did, Your Honor. Originally there
20 was -- excuse me. Originally he received the pretrial memo,
21 pretrial sentencing memo indicated that he was a 6. I
22 supplied information to U.S. probation.

23 **THE COURT:** Okay.

24 **MR. PURPURA:** And they received that and they agreed
25 that he was a 5, and this was amended.

1 **THE COURT:** Oh, that's perfect. Thank you very
2 much.

3 Mr. Anderson, is that your understanding of the guideline
4 stipulation, as well as the stipulation related to your
5 criminal history.

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Now, it's my also my understanding that
8 you're waiving your right to have a full-blown presentence
9 report; is that correct, sir?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** So the only presentence report that I
12 have in my possession will be that related to your criminal
13 history; is that correct, sir?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** And you know that you have an absolute
16 right to that presentence report, that full-blown presentence
17 report that outlines your history, characteristics, your
18 familial background, your substance abuse history, your
19 vocational history, et cetera.

20 Do you understand that, sir?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** And knowing all of that, you're wishing
23 to go waive that; is that correct?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** You understand that in addition to

1 considering the sentencing guidelines and a departure from
2 those guidelines, that under Title 18, United States Code
3 Section 3553(a), the Court will apply additional factors
4 setout therein, and may end up imposing a sentence that is
5 either greater or lessor than that specified by the sentencing
6 guideline, and any departures thereunder.

7 You understand the sentence ultimately imposed may be
8 different from any estimate that your attorney may have
9 provided you.

10 Do you understand, sir?

11 **THE DEFENDANT:** Yes, sir.

12 **THE COURT:** Do you understand that parole has been
13 abolished, and if you're sentenced to a term of incarceration,
14 you're not going to be released on patrol.

15 Do you understand, sir?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Do you understand that under some
18 circumstances you may have the right to appeal your conviction
19 in this case. And you also understand that you, as well as
20 the government, may be entitled to appeal any sentence that I
21 impose. But you also understand that by entering into the
22 plea agreement in this case, and if your plea is ultimately
23 accepted by me, you may have waived or given up your right to
24 appeal your conviction in all or part of your sentence.

25 Do you understand, sir?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** I'd like to turn your attention, if I
3 could, to paragraph 9A through C located on pages 5 and 6.
4 Let me know when you are there.

5 **THE DEFENDANT:** We're here.

6 **THE COURT:** Pages 5 and 6, paragraph 9A through C
7 relates to the very important appellate rights that you're
8 waiving or giving up, and the very important appellate rights
9 that you're keeping or preserving.

10 Have you and your attorney reviewed those appellate
11 rights?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** Do you have any questions about them?

14 **THE DEFENDANT:** No, sir.

15 **THE COURT:** You understand that you're not required
16 to plead guilty in this case. You understand that you have
17 the right to plead not guilty to any offense charged against
18 you, and to persist in that not guilty plea. You understand
19 if you plead not guilty, you would then have the right to a
20 trial by jury. You understand that your counsel, as well as
21 government counsel, would assist me in selecting 12 members of
22 the community who would be brought into this courtroom who
23 would sit in the jury box and serve as your juror.

24 Do you understand, sir?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Do you understand that at trial you
2 would be presumed innocence, and that the government would be
3 required to prove your guilt beyond a reasonable doubt to the
4 unanimous satisfaction of the jury, and if the government
5 couldn't do that, you could not be convicted in this case.

6 Do you understand, sir?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you understand that at trial and
9 every other critical stage of the proceedings in your case,
10 you're entitled to the assistance of competent counsel to
11 assist you, advise you, represent you, and to advocate for
12 you?

13 You also understand that if you couldn't afford an
14 attorney, one would be appointed to represent you at no cost.
15 In fact, it's already occurred in this case as Mr. Purpura is
16 one of --

17 **MR. PURPURA:** I apologize.

18 **THE COURT:** Oh, you're retained?

19 **MR. PURPURA:** I am retained.

20 **THE COURT:** Okay. Well, Mr. Purpura is retained; is
21 that correct, sir?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** You also understand that during the
24 course of the trial, you would have the right to see and hear
25 all of the witnesses and evidence being presented against you,

1 and you would be entitled to challenge that evidence and to
2 cross-examine those witnesses testifying against you.

3 Do you understand, sir?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Do you understand that you have the
6 right to present the testimony of your own witnesses, and if
7 those witnesses would not come to court voluntarily, they
8 could be subpoenaed. And if they wouldn't come to Court
9 pursuant to a subpoena, Mr. Purpura would undoubtedly request
10 that I instruct law enforcement officers to go out in the
11 community and bring those folks here in handcuffs, if
12 necessary, to testify on your behalf.

13 Do you understand, sir?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** You also understand that you have the
16 right to testify yourself during the course of the trial, but
17 if you chose not to testify, the fact that you did not testify
18 could not be used against you in any way whatsoever by the
19 jury in determining your guilt or innocence.

20 Do you understand, sir?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And, in fact, you understand that you
23 could present no defense whatsoever, because ultimately it's
24 the government's burden of proof to prove your guilt beyond a
25 reasonable doubt to the unanimous satisfaction of the jury,

1 you don't have to prove your innocence.

2 Do you understand, sir?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Now, you also understand that if you're
5 convicted after trial, you could appeal that conviction to a
6 higher court. But you also understand that after you enter a
7 plea of guilty, and if that plea is ultimately accepted by me,
8 there will be no trial, and you will have waived, or given up
9 your right to a trial, as well as the other rights associated
10 with the trial as I just described them.

11 Do you understand, sir?

12 A. Yes.

13 Q. Now, you have indicated that you intend to plead guilty
14 to Count 1 of the superseding indictment. Mr. Romano, what
15 are the essential elements of that offense?

16 **MR. ROMANO:** Your Honor, the elements that the
17 government would be required to prove with regard to Count 1
18 would be as follows: That the Defendant and at least one
19 other person entered into an agreement, that agreement in this
20 case was unlawful in that the Defendant and others agreed to
21 possess with the intent to distribute and indeed did
22 distribute a controlled substance, in this case, cocaine.

23 Furthermore, the Defendant's agreement to enter into the
24 conspiracy with his co-Defendants was freely and voluntarily
25 made, that is, it was not by accident or mistake, those would

1 be the essential elements of the offense.

2 **THE COURT:** You understand that the government would
3 have to prove each and every one of those elements, beyond a
4 reasonable doubt, to the unanimous satisfaction of the jury
5 before you could be convicted?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Now, before I can accept your guilty
8 plea, I've got to be satisfied that there is a factual basis
9 for it. So I'd like to turn your attention, if I could, to
10 Attachment A of Government's Exhibit No. 1, specifically the
11 signature page located at page 13. Let me know when you are
12 there.

13 **MR. PURPURA:** We're there, Your Honor.

14 **THE COURT:** Near the bottom of the page is a typed
15 name, Jack Anderson, IV. And above that name is your
16 signature, is that your signature, sir?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** And by signing this document, you agree
19 that you've read each and every word of Attachment A, the
20 stipulation of facts supporting the guilty plea, and discussed
21 it with your attorney before you signed; is that correct?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** And by signing this document, you agree
24 that the facts contained within Attachment A are true and
25 accurate, and that the government could prove those facts

1 beyond a reasonable doubt to the unanimous satisfaction of the
2 jury had this case gone to trial?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** I'll now call upon the Government to
5 summarize for me the facts supporting the guilty plea in that
6 case.

7 **MR. ROMANO:** Thank you, Your Honor. First off, I'm
8 going to remove my mask for this portion of the proceedings.
9 And for the record, I have been vaccinated both with Moderna's
10 part I, part II, and the booster as well.

11 With regard to the factual basis in support of the guilty
12 plea, there is a lengthy statement of facts which Your Honor
13 has just indicated the Defendant has agreed to, but for
14 purposes of this proceeding I am going to briefly summarize
15 what occurred.

16 Beginning in 2019, members of the Harford County
17 narcotics task force were conducting an investigation with
18 regard to a cocaine distribution organization operating in
19 Harford County, Maryland.

20 As part of that investigation, they've learned that in
21 May of 2019, a package was being mailed from the Arizona and
22 the evidence would show that that package was mailed by the
23 Defendant, utilizing a fictitious name, and an address similar
24 to his, but not his precise address.

25 A search warrant was obtained for that package which upon

1 being authored, the warrant was executed and cocaine was
2 actually ceased from that package. It was submitted to the
3 lab and determined to be at Schedule II controlled substance.
4 Fast-forwarding into the year 2020 in January of 2020, a --
5 and let me strike that and say that the package that was
6 mailed in May of 2019 was mailed to a co-Defendant in
7 Aberdeen, Maryland by the Defendant.

8 In January of 2020, a package was sent from Maryland to
9 the Defendant at the Defendant's correct address this time by
10 the same individual who would receive the earlier package
11 containing the cocaine. That package contained \$83,000,
12 approximately, in U.S. currency, which the government would
13 offer witnesses that would testify that the value of \$83,000
14 in Tucson, Arizona, was sufficient to purchase multiple kilos
15 of cocaine.

16 Again, that package was intercepted. There was forensic
17 testing of that package, and fingerprint evidence would reveal
18 that the Defendant's fingerprints, among others, were found on
19 that package.

20 The investigation continued into May of 2020 whereupon
21 members of the Harford County narcotics task force traveled
22 from Harford County, Maryland, to Tucson, Arizona, based on
23 intercepted phone calls through a court authorized wiretap
24 that had been approved by Circuit Court Judge Angela Eaves of
25 the Harford County Circuit Court. Based on those

1 interceptions and the investigators learned that Mr. Anderson
2 was going to be contacted by members of the drug conspiracy
3 here in Maryland, flew out to Arizona, conducted surveillance
4 and observed Mr. Anderson meet with both an individual by the
5 name of Che Durbin, as well as an individual by the name of
6 Jameka Thompson. Those contacts which occurred in Tucson gave
7 rise to the belief by the investigators that Mr. Anderson was
8 supplying additional quantities of cocaine to be transported
9 back to Maryland, and indeed Jameka Thompson drove a vehicle
10 from Arizona back into Maryland. She was stopped in Harford
11 County, there had been a search warrant obtained for that
12 vehicle.

13 A search of that vehicle upon Ms. Thompson being stopped,
14 revealed additional quantities of kilo quantities of cocaine.
15 That cocaine had been provided to Ms. Thompson by the
16 Defendant, Jack Anderson. That cocaine, again, was tested by
17 the Maryland State Police lab, determined to be a Schedule II
18 controlled substance.

19 The parties acknowledge that the amount of cocaine
20 reasonably foreseeable to Mr. Anderson would be five
21 kilograms -- at least five kilograms, but less than
22 15 kilograms, that would be the factual basis in support of
23 the plea, the summary of the facts.

24 Thank you.

25 **THE COURT:** Mr. Anderson, is that a general summary

1 of the facts contained within Attachment A?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** In conducting proceedings in Rule 11 of
4 the Federal Rules of Criminal Procedure, in every case, the
5 Court proceeds to an in-camera segment. The transcript of
6 which will be sealed in order to determine the contents of the
7 sealed supplement of the plea agreement.

8 This portion of the proceeding will be sealed and shall
9 remain sealed until I order otherwise.

10 Conference at the bench.

11 (It is the policy of this court that every guilty plea
12 and sentencing proceeding include a bench conference
13 concerning whether the defendant is or is not cooperating.)

14 **THE COURT:** Thank you.

15 This concludes the sealed portion of this record.

16 **THE COURT:** As I indicated, Mr. Anderson, I will
17 consider whether or not to accept the plea agreement and
18 agreement as to sentence. If for some reason I don't sentence
19 you to 126 months, you're going to have the opportunity to
20 withdraw your plea of guilty, and the government can withdraw
21 from the agreement. But if I agree to bind myself to
22 126 months, that's what you're going to get, but it's not
23 going to include any term or condition of supervised release,
24 fine, et cetera.

25 Do you understand, sir?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Mr. Purpura, do you believe that your
3 client's been properly advised?

4 **MR. PURPURA:** I do, Your Honor. Thank you.

5 **THE COURT:** All right. Most importantly, Mr.
6 Anderson, do you have any questions or hesitation whatsoever
7 about pleading guilty here today?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** How do you plead as to Count 1 of the
10 superseding indictment in this case, guilty or not guilty?

11 **THE DEFENDANT:** Guilty.

12 **THE COURT:** It's the finding of this course in the
13 case of the United States of America versus Jack Anderson, IV,
14 that the Defendant is fully competent and capable of entering
15 an informed plea that the Defendant is aware of the nature of
16 the charges and the consequences of the guilty plea, and that
17 the guilty plea is both knowing and voluntary, supported by an
18 independent basis-in-fact containing each of the essential
19 elements of the offense, the plea is therefore, tentatively,
20 accepted, subject to the Court's determination on whether or
21 not it will accept the agreement as to sentence.

22 Presentence report has been -- a formal presentence
23 report has been waived. We intend on going directly into
24 sentencing in this case.

25 Mr. Anderson, in a few moments we're going into

1 sentencing, but during the course of sentencing I'll hear from
2 Mr. Romano and anyone Mr. Romano wishes me to hear from. Of
3 course, I'll hear from Mr. Purpura and anyone Mr. Purpura
4 wishes me to hear from. Most importantly, Mr. Anderson, I'll
5 hear from you prior to the imposition of sentence, okay?

6 A. Yes, sir.

7 **THE COURT:** Counsel, is there anything else that we
8 can handle productively on this prearrestment?

9 **MR. PURPURA:** No. Thank you.

10 **MR. ROMANO:** No, Your Honor. Thank you.

11 **THE COURT:** All right. Very well, we're going to
12 move right into the sentencing in this case.

13 Having been found guilty of Count 1, conspiracy to
14 distribute and possession with intent to distribute five
15 kilograms or more of cocaine, a violation of Title 21, United
16 States Code §846 of the superseding indictment.

17 I've gave Mr. Anderson the opportunity to review the
18 sentencing memoranda, as well as the probation report related
19 to your criminal history. I've reviewed the sentencing
20 memoranda both of the government, as well as your attorney,
21 Mr. Purpura.

22 Based upon that correspondence and your criminal history,
23 as well as some of the other factors in 3553(a), I will go
24 ahead and accept and bind myself to that 126-month sentence.
25 I'm not agreeing to bind myself to any term or condition of

1 supervised release, and as a result, Mr. Anderson, I will
2 formally find you guilty of that offense.

3 Do you understand, sir?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Looking at the base offense level, the
6 base offense level is 30 due to the amount and type of
7 narcotics. Minus two levels for acceptance of responsibility,
8 and the government has moved or will move or does move --

9 **MR. ROMANO:** We do, Your Honor.

10 **THE COURT:** -- for an additional one level downward
11 departure based upon timely acceptance of responsibility.
12 That reduces Mr. Anderson's offense level to 27. Looking at
13 the Defendant's criminal history, he has a criminal history
14 category Roman Numeral V. That puts his guideline range at
15 between 120 and 150 months. This sentence does fall within
16 the guideline range and the difference is greater than
17 24 months. There is -- the guideline range for supervised
18 release is five years. The fine range for this particular
19 offense is 25,000 to \$10 million.

20 This portion of the proceeding will be sealed --
21 Mr. Romano, have I accurately set forth the sentencing
22 guidelines in this case?

23 **MR. ROMANO:** Yes, you have, Your Honor.

24 **THE COURT:** Mr. Purpura?

25 **MR. PURPURA:** You have, Your Honor.

1 **THE COURT:** This portion will be sealed and shall
2 remain sealed until I order otherwise.

3 Conference at the bench.

4 (It is the policy of this court that every guilty plea
5 and sentencing proceeding include a bench conference
6 concerning whether the defendant is or is not cooperating.)

7 **THE COURT:** Mr. Romano, I'll hear from you regarding
8 sentencing.

9 **MR. ROMANO:** Thank you, Your Honor.

10 Your Honor, I have submitted as the Court is well aware
11 and copies have been provided to Defense Counsel of a
12 sentencing letter dated December 8 of 2021. I'm not going to
13 repeat what's in that letter other than to say that
14 126 months, which is slightly above the minimum mandatory, is
15 a sentence that under Title 18 §3553(a), I believe meets the
16 criteria in that it reflects certainly this is a serious
17 offense. There is a need to protect the public. There is a
18 need to punish the Defendant. And given his past record,
19 which is Criminal History Category 5, the government believes
20 that the sentence of 126 months is sufficient, but not greater
21 than necessary to reflect those factors under 3553(a). And
22 for those reasons, Your Honor, I would ask the Court to adopt
23 the party's recommendation of a sentence of 126 months.

24 **THE COURT:** Thank you very much. Mr. Purpura, I'll
25 be more than happy to hear from you, sir.

1 **MR. PURPURA:** Your Honor, equally as brief, if I
2 may, Your Honor. Everything set out in my sentencing letter,
3 this is a sentence within the guidelines. 126 months is about
4 six months above the low end of the guidelines.

5 Mr. Anderson is 43 years old, he had a thriving business
6 that he's going to tell you about in a second before all of
7 this came down. He has two children. He hasn't seen his
8 newest child at this point. His older child is autistic. His
9 wife has moved to California for better services. He hopes to
10 be imprisoned in California as well so he will be close to his
11 family there.

12 **THE COURT:** What part of California?

13 **MR. PURPURA:** This is more like in the Central
14 District. We're asking to go to Terminal Island, so he's
15 right in the Central District of California area.

16 **THE COURT:** Okay.

17 **MR. PURPURA:** He has been detained for a fairly long
18 period of time, all throughout the COVID outbreak. He's been
19 isolated as a result of that. There's been no family visit
20 whatsoever.

21 So for those reasons, Your Honor, I would ask the Court
22 that I think 126 is the appropriate sentence in this
23 particular case. And normally, I would tell my clients
24 succinctly if he doesn't want to allocute, he doesn't have to,
25 but he actually wrote something which I think is helpful for

1 him, as well as the Court for sentencing purposes.

2 **THE COURT:** Okay. Well, thank you very much.

3 Mr. Anderson, you don't have to say anything to me but I'll be
4 more than happy to hear from you if you wish to speak.

5 **THE DEFENDANT:** Yes, Your Honor. Well, just a few
6 seconds. I wrote this I know I didn't have to speak, but I
7 felt it, you know, necessary for myself and the Court, so I'll
8 read it.

9 Your Honor, I stand before you today a broken man, a man
10 at rock bottom, yet, I'm still strong in my faith and belief
11 that out of this circumstance, a better man can and will
12 emerge. Let me start by apologizing to my family for making
13 the terrible decisions that led us all to this moment. I
14 apologize to my children who I've always taught to never take
15 shortcuts in life, that only hard work, patience, motivation,
16 and determination bring you success. I didn't follow what I
17 taught you and the shortcut I tried to take has led me to this
18 dead end.

19 To my wife Jameka Anderson, the most beautiful soul.
20 You, for some odd reason, have decided to stay by my side,
21 despite all of my indiscretions. I truly don't deserve you,
22 and I thank God every day that you're still here. I love you,
23 wife, and I'm sorry for not being there with you and our
24 children.

25 Your Honor, I know I did wrong. I know unequivocally

1 selling drugs is wrong, and I take full responsibility for my
2 actions. After staying away from that life for so long, I let
3 my impatience, together with my ambitions cloud my judgment,
4 and made a failed attempt to get ahead the wrong way, and I am
5 deeply sorry.

6 My apology goes deeper than that, though, Your Honor. I
7 want to apologize to my community, the black community. In a
8 world where the obstacles seem to be large and endless for
9 African Americans, I am ashamed and embarrassed for
10 contributing to the destruction of my own community.

11 That destruction has never been more clear after my year
12 and a half incarceration in the Chesapeake Detention Facility
13 in Baltimore City. The lack of education, ambition, resources
14 and self love has been a shocking but humbling experience for
15 me.

16 I owe a debt to my community, which I intend to pay in
17 full by spending my time incarcerated, becoming and advocate
18 for education, financial literacy, cognitive restructuring,
19 parenting, and therapy for black and brown people.

20 Your Honor, I know what my background looks like on paper
21 in a court of law, but my background outside of these walls is
22 that of a good man at heart. I coached high school football,
23 helped start a non-profit, owned and operated the first black
24 pest control company in my city. I am married and a father of
25 five, three of which I put through college and a four-year-old

1 diagnosed with autism. I have a one-year-old little girl that
2 was born five months after my arrest. I have yet to hold her,
3 look in her eyes and tell her daddy loves her.

4 Though it will be years from today, I choose to find
5 comfort in the thought of my release, not only being a great
6 day for my family, but also an asset for my community.

7 Thank you.

8 **THE COURT:** Well, said Mr. Anderson.

9 **THE DEFENDANT:** Thank you.

10 **THE COURT:** Well said. You know, it's unfortunate
11 that you -- well said. I mean, it's unfortunate that you're
12 in this position because you didn't have to be -- it didn't
13 have to happen like this, it really didn't. And this is an
14 unforced error that you deeply regret, and I believe that.
15 And, you know, it's my hope and I have a strong belief that I
16 don't think you're going to come back here again by the time
17 you get out. And -- because the price is too heavy.

18 I'm not moved often, but that was a nice letter you wrote
19 and I hope that you send that to your wife and your adult
20 children, I really do. And Mr. Purpura can make arrangements
21 to get a copy in the mail to them, because I think that in --
22 I think if you continue to write letters like that to your
23 family while you're incarcerated, I think that that would be
24 therapeutic for you, and give them great solace, and great
25 comfort.

1 You know, you did something wrong, but applying the
2 3553(a) factors, Defendant is 45 years old. He's accepted
3 responsibility for his conduct and expressed remorse. He's
4 married. He has two dependent children, and he's a father of
5 five. Certainly had great success as a father, and he should
6 be proud of his accomplishments as a dad, because he's raised
7 some successful kids.

8 He certainly made some early missteps as far as his
9 criminal history is concerned, but sort of picked himself up,
10 but then fell back down again, and there was a significant
11 substance abuse history. There's no indication of any real
12 significant assets. He certainly -- although he did have a
13 business and he's certainly capable of operating a business
14 and is well spoken, he does not have -- presently have any
15 assets for the purpose of a fine.

16 The nature and circumstance of the offense are very
17 serious. He willingly and voluntarily engaged in a large
18 scale cocaine distribution conspiracy involving thousands of
19 dollars. Of course the criminal act is serious because much
20 of the violence that occurs in this city arises out of the
21 legal narcotics trade, and it's getting very dangerous in
22 Baltimore now, very dangerous. I don't think I've ever seen
23 my city look like this. And it arises out of the drug trade.

24 The conditions of confinement, I will acknowledge have
25 been really hash for individuals. The lack of programming and

1 the isolation that the pandemic has forced is trying and very
2 difficult. It makes time exponentially longer. The sentence
3 needs to deter the Defendant and others like the Defendant,
4 and I hope that will do that, this will do that. He -- I
5 don't believe vocational training is a huge issue.

6 Mr. Purpura, does he need substance abuse training?

7 **MR. PURPURA:** He does, Your Honor. We'd ask the
8 Court to recommend the RDAP program as well.

9 **THE COURT:** I will. How about vocational -- does he
10 need vocational training?

11 **MR. PURPURA:** He's asking for every possible
12 vocation training that he could have.

13 **THE COURT:** That's fine. So we're going to do the
14 whole kitchen sink. We're going to do vocational training,
15 we're going to do residential drug treatment. I'm going to
16 have you mental health evaluation if necessary. While
17 incarcerated, we're going to have him treatment and training
18 and mental health treatment as needed and recommended by the
19 probation department during the course of your supervised
20 release as well.

21 **THE DEFENDANT:** Thank you.

22 **THE COURT:** Because I think that you're going to
23 need that, sort of, safety net to make sure that you stand
24 tall on your feet.

25 The guideline range in this case is between 120 and

1 150 months. Offense Level 27. Guideline range of five years.
2 \$25,000 to \$10 million fine. The sentence that is sufficient,
3 but not greater than necessary to comply with the purposes set
4 out in Title 18 United States Code §3555(a)(ii) is 126 months.
5 As I indicated I'm going to recommend the residential drug
6 treatment program, vocational training, as well as mental
7 health evaluation, and/or treatment.

8 I am going to impose a term of supervised release of five
9 years. In addition to the standard and mandatory conditions,
10 and, Mr. Purpura, we did not get a full presentence report,
11 but I believe I dispatched you to advise him of the standard
12 and mandatory conditions.

13 **MR. PURPURA:** And I did, Your Honor, yes.

14 **THE COURT:** Is that correct, Mr. Anderson?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** Okay. There are a number of standard
17 and mandatory conditions. In addition, I'm going to impose
18 special conditions, which include drug treatment testing and
19 treatment as deemed necessary by the probation department,
20 probation office. Also going to recommend vocational or
21 education programming as recommended by the probation
22 department. And I'm also going to recommend mental health
23 evaluation and treatment as recommended by the probation
24 department.

25 I'm not going to impose a fine, because you do not

1 have the ability to pay. Restitution is not applicable.
2 There is not a formal motion for forfeiture, but that was part
3 of the -- was there one?

4 **MR. ROMANO:** There was not, Your Honor. There was
5 an oversight on my part, and I advise counsel that I will
6 prepare one and submit it to the Court within the next seven
7 days.

8 **MR. PURPURA:** It will be a consent motion.

9 **THE COURT:** Okay. Very good. That's fine.
10 There will be a \$100 special assessment that is imposed.
11 I am going to recommend a -- strongly recommend -- in fact,
12 I'm doing it strongly, and I like to have that wording in the
13 J&C, because I've actually visited Terminal Island, and it's
14 okay. I mean, you know, it's not home, and it's a prison but
15 I've walked there and they've got pretty good facilities
16 there. So I'm going to strongly recommend Terminal Island.

17 The sentence does fall within the guideline range and
18 is appropriate in light of the sentencing guidelines and all
19 of the factors set out in Title 18, United States Code
20 §3553(a)(ii).

21 Mr. Romano, are there any open counts to be dismissed?

22 **MR. ROMANO:** There are, Your Honor. Counts 2 and 3
23 of the superseding indictment, the government would move to
24 dismiss those.

25 **THE COURT:** Very well. Granted. Noted and granted.

1 Mr. Anderson, you've got 14 days to file an appeal of
2 your conviction if you believe that your guilty plea was
3 somehow unlawful or involuntary, or there is some other
4 fundamental defect of the proceeding that wasn't waived by
5 your guilty plea.

6 You may also appeal your sentence if you believe the
7 sentence that I imposed was unlawful. And, of course, you
8 retain any rights not otherwise waived by your guilty plea.
9 The Defendant will remain detained. A judgment and commitment
10 order will be prepared. A statement of reasons will be
11 prepared, and these record, along with the other appropriate
12 records of sentencing, will be filed with the United States
13 Sentencing Commission, as well as the United States Bureau of
14 Prisons.

15 Is there anything else that we can handle productively,
16 Mr. Romano?

17 **MR. ROMANO:** No, Your Honor. Thank you.

18 **MR. PURPURA:** No. Thank you.

19 **THE COURT:** Good luck to you, Mr. Anderson.

20 **THE DEFENDANT:** Thank you.

21 **THE CLERK:** All rise. This Honorable Court stands
22 in recess.

23 (At 10:52 a.m., the hearing concluded.)
24
25

1 I, Melissa L. Clark, RPR, do hereby certify that
2 the foregoing is a correct transcript from the stenographic
3 record of proceedings in the above-entitled matter.

4
5 _____
6 Melissa L. Clark
7 Official Court Reporter
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